

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VICENTE CARRASCO FLORES and
VALERIYA MUKHINA, individually and
on behalf of others similarly situated,

17 Civ. 06915 (LGS)

Plaintiffs,

-against-

NYC PASTA AND RISOTTO CO. LLC
(d/b/a RADICCHIO PASTA AND RISOTTO
CO.), Satinder Sharma, and Daniel Montoya,

Defendants.

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Trial Memorandum

Defendants have no opposition to the law as stated in Plaintiff's memorandum submitted pursuant to the Court's directive at the pre-trial conference in this matter because the issue of damages is moot. The corporate defendant, NYC Pasta and Risotto Co. LLC, consents to the claims in the complaint and the damages thereby. The individual defendants maintain that they are not liable under federal or state law under well-established Second Circuit law. *See, e.g., Tapia v. Blch 3rd Ave. LLC*, 2016 WL 4581341, at *4 (S.D.N.Y. Sept. 1, 2016). Nonetheless, should the Court find that the testimony of the Plaintiffs is sufficient to warrant a jury verdict on the two remaining issues – (1) are the individual defendants liable under federal or state law?, and (2) if so, and only then, did the individual defendants act in a willful manner as defined by state law – then individual defendants respectfully submit that damages should be calculated by the court according to the allegations in the complaint.

Should the court enter judgment in favor of the individual defendants, the individual defendants respectfully submit that the jury should be dismissed and the calculation of damages be determined by the Court.

/s/ Brian Lehman

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